

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2006**

SITKA NATIONAL HISTORICAL PARK

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2006. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments the State of Alaska.

GENERAL COMMENTS

Determinations

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) adopted this suggestion from the State for all Alaska parks' 2005 compendium and will continue this practice. Lengthier determinations are attached to the compendium, either in the document itself or as a separate attachment. Shorter determinations accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

SITKA NATIONAL HISTORICAL PARK 2006 COMPENDIUM

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations where the Superintendent has exercised discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Sitka National Historical Park, Sitka, Alaska at (907) 747-6281 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

The Park is a “day use area.” Park grounds are open the following hours:

Summer months (May 15 to September 30)

6:00 a.m. to 10:00 p.m.

Winter months (October 1 to May 14)

7:00 a.m. to 8:00 p.m.

Violating a schedule of visiting hours is prohibited.

The upper Visitor Center bus parking lot is reserved for tour buses and oversized vehicles between 7:30 a.m. and 5:30 p.m. from May 15 to September 30. Small buses are allowed in the Visitor Center lower parking lot only to drop off and pick up passengers with disabilities.

Both upper and lower Visitor Center parking lots are closed to all use after park grounds are closed. No overnight parking is allowed within park boundaries.

Pedestrian through-traffic is allowed on the section of trail between Sawmill Creek Road, over the Indian River footbridge and to or from the upper Visitor Center parking lot after park grounds are closed - provided that

pedestrians do not loiter. All other portions of the trail system and grounds are closed before and after grounds hours.

Eating, drinking and smoking are prohibited inside park facilities, including the Visitor Center, Southeast Alaska Indian Cultural Center and the Russian Bishop's House.

See specific sections in this document for additional information regarding closures, visiting hours and public use limits.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand for personal use and collection restrictions

All edible fruits, berries and/or nuts may be gathered by hand for personal use or consumption in reasonable amounts not to exceed two quarts per person per day.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.13(a)(1) Fires: designated areas and conditions

Fires are allowed only in elevated fire grills installed by the National Park Service. All trash (tin foil, burnt food, glass and cans, etc.) must be removed from the fire site after use.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

Pets may be left unattended on park grounds for a brief period of time, not to exceed fifteen minutes. Unattended pets must be restrained. Pets may be briefly leashed to a sign post or porch post, provided they do not disturb other park visitors, restrict access or obstruct roads or walkways. Unattended pets may remain in personal vehicles in a park parking lot a maximum of four hours, provided the vehicle has adequate ventilation and the pet does not make an unreasonable amount of noise.

2.15(a)(5) Pet excrement disposal conditions

Pet owners must properly dispose of pet excrement deposited in the park. All excrement must be removed from park trails and grounds. Owners may dispose of excrement in covered waste cans provided throughout the park.

This requirement is intended to keep commonly visited areas sanitary.

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.
Superseded by 43 CFR 36.11(c).

2.21 Smoking

All park offices and visitor facilities are closed to smoking.
Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

The consumption of an alcoholic beverage and/or the possession of an open

bottle, can or other receptacle containing an alcoholic beverage in the park is allowed only at locations with picnic tables or where fires are allowed under 2.13(a)(1). All other areas are closed.

This limited use is implemented according to the Superintendent's determination that the consumption of an alcoholic beverage and/or the possession of an open container of an alcoholic beverage is inappropriate considering other uses of the location and the purposes for which the park is maintained and established.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

Any park area(s) may be designated for use by the public for assemblies and meetings, provided a permit to do so has been issued by the Superintendent.

2.52(e) Sale and distribution of printed matter: areas designated for such use

Any park area(s) may be designated for use by the public for First Amendment activities, provided a permit to do so has been issued by the Superintendent.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit from the Superintendent.

PART 3. BOATING AND WATER USE ACTIVITIES

3.21(a)(1) Swimming and bathing: areas designated as closed

No areas designated as closed to swimming. All areas of the park are closed to bathing.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

This compendium is approved and rescinds all previous compendiums issued for Sitka National Historical Park.

Superintendent

Date